

Notice of Allowability

Application No.

10/691,831

Examiner

Katherine W. Mitchell

Applicant(s)

JUNKERS, JOHN K.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 1/23/2006.
2. ☒ The allowed claim(s) is/are 1-14.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 10/2005; 1/2006; 3/1/2004
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission of an IDS filed on 10/26/2005 and 1/23/2006 has been entered and considered.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 10/26/2005 and 1/23/2006 was in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

EXAMINER'S AMENDMENT

3. An examiner's amendment to the record appears below. *This applies to the claims as amended with the RCE of 10/26/2005.* Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

4. Authorization for this examiner's amendment was given in a telephone interview with Mr. Ilya Zborovsky during the week of 6/6-9/2005.

5. The application has been amended as follows:

In the Specification:

Lines 1-2 of page 2 has been amended to delete "patent applications serial nos. 10/010377, 10/112101, and 10/120343" and to insert in its place -- U.S. Patents 6,609,868 and 6,883,401, and US patent application serial number 10/112,101--

In the Claims:

Claim 1 has been amended to insert a period --- immediately after the last word of the claim, "elongates"-- .

Claim 7 has been amended to insert a period --- immediately after the last word of the claim, "elongates"-- .

6. The following is an examiner's statement of reasons for allowance: The closest prior art is Grube USP 3728933, who teaches a pair of nuts which could be considered a two part washer if an additional nut were added at the end of the stud past the nut (11) in Fig 6, for example. However, as all the independent claims now include, the radially outer part of the washer must include an axial space that is capable of accepting at least a part of the radially inner washer when it expands. Thus only part (10) of Gruber Fig 4-6 can be considered the radially outer part. Grube is clear that the radially outer part (collar 10) is the part that continues to move. The resistive point is between collar (10) and its axial extension (11), thus part (14) cannot be considered the inner radial washer. Indeed, the indented lip at the resistive point between (10) and (11) prevents (14) from moving into the axial space. If examiner considers collar (10) the outer radial washer and its extension (11) to be the inner radial washer, connected at

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the resistive point, then there is an axial space into which the inner washer (11) can move, but (11) would not move into the space because it is pulled axially when the bolt elongates – to the contrary, bolt elongation would pull part (11) away from, not into, the axial space. Thus Grube is not capable of meeting this limitation.

7. **Double Patenting considerations:** Double patenting was overcome with Terminal Disclaimers for 10/427103 and 10/112101. While USP 6609868 and 6883401 are similar to the pending claims, 6609868 lacks the resistive/break point and 6883401 is for the power tool used with the washer, and thus obvious double patenting does not apply. Serial numbers 10/655182 and 10/802890 also were considered, but are to the method of use and the tool, and not the washer structure as claimed.

8. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Katherine W. Mitchell whose telephone number is 571-272-7069. The examiner can normally be reached on Mon - Thurs 10 AM - 8 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on 571-272-7075. The fax

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phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Katherine W Mitchell
Primary Examiner
Art Unit 3677

4/17/2006

A handwritten signature in black ink, appearing to read 'K Mitchell', is written over the printed name and title of the examiner.